

**REVISED MINUTES OF A REGULAR MADISON COUNTY PLANNING AND  
ZONING COMMISSION HELD AND CONDUCTED ON THURSDAY, THE 9<sup>th</sup> DAY  
OF JUNE, 2005 AT 9:00 A.M. AT THE MADISON COUNTY COURTHOUSE**

---

BE IT REMEMBERED that a regular meeting of the Madison County Zoning Commission was duly called, held and conducted on Thursday the 9<sup>th</sup> day of June, 2005, at 9:00 a.m. in the Madison County Courthouse.

Present:       Sidney Spiro  
                  Steven Steen  
                  Brad Sellers, Zoning Administrator  
                  Lisa Walters  
                  Rev. Bennie Luckett, Chairman  
                  Rev. Henry Brown

Absent:         None

There first came on for consideration the minutes of the May 5, 2005, meeting. Upon motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting "aye", the motion to approve the minutes passed.

There next came on for consideration the petition of Pat Russell/Russell Trucking for a special exception to conduct surface mining. This is a continued Petition from the May, 2005 meeting wherein it was tabled. The Petitioner, Pat Russell, appeared and stated that he sought one year to conduct the surface mining and further stated for the Commission that he presents nothing new from his previous appearances before the Commission. Zoning Administrator Sellers informed the Commission that Mike Parker, the Public Works Director for the City of Canton, wrote a letter to the Commission regarding the condition of the bridges in the subject area and outlined the objections of the City of Canton to this Petition. Mr. Parker's letter is attached hereto as *Exhibit "A"* and is incorporated herein by reference. In addition, Jim Harkin appeared in opposition. Mr. Harkin is a Stokes Road resident and he objected to the Petition on the ground that the new development in this area is adverse to the Petition. In response to Mike Parker's letter, the Petitioner stated that he would be willing to put temporary bridges around the present bridges in order to compensate for their condition. Don McCausly appeared in support of the Petition and communicated his agreement with the Petitioner's suggestions of putting a temporary bridge in place. Kent Johnston, a resident of Cloud Road, appeared in opposition and stated that surface mining operations in the area have disturbed the traffic flow and that he sees

problems with the proper enforcement of any restrictions that may be placed on approving this Petition. Commissioner Spiro stated for the record that his main concern is with the safety in light of the fact that large trucks will be traveling these routes. Particularly, Commissioner Spiro emphasized that his concerns with safety stem from the fact that a new school is going to be built in the area which will include additional school busses on the roadways, ordinary school traffic, and the presence of children, and having the large trucks traveling these roads will present unacceptable dangers. Based on the safety concerns voiced in opposition to this Petition, particularly concerns with the bridges as outlined in Mike Parker's letter, upon Motion by Commissioner Walters, seconded by Commissioner Steen, with Commissioners Walters, Steen, Spiro, and Brown voting "aye", and Chairman Luckett voting "nay", motion to recommend denial of the Petition passed.

There next came on for consideration the Petition of Hubert Roberts for permission to rezone I-1 Industrial to R-2 Residential. Hubert Roberts appeared on behalf of the Petitioner. The Petitioner requested rezoning of the property to R-2 Residential for residential development. He stated that utilities will be furnished by West Madison Utility District. Commissioner Steen inquired as to what subdivision was adjacent to the subject property to which Zoning Administrator Sellers informed the Commission that this property was located next to Magnolia Heights subdivision. Upon Motion by Commissioner Spiro, seconded by Commissioner Walters, with all voting "aye", motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration the Petition of Madison County Public Schools for permission to rezone R-1 Residential to SU-1 District located on Yandall Road. The subject property consists of approximately 40 acres and has been chosen for a new school facility. Mr. Kent appeared on behalf of the Petitioner. Commissioner Walters inquired as to why the letter states that the requested rezoning is in compliance with the Land Use Plan when it is not, to which Zoning Administrator Sellers informed her that this was merely an oversight and that this section of the Land Use Plan will be looked at next month for correction and amendment. Upon Motion by Commissioner Steen, seconded by Commissioner Spiro, with all voting "aye", motion to recommend approval to the Board of Supervisors passed.

There next came on for consideration the Petition of Deep South Timber, Inc., for special exception to conduct surface mining. This property is located on the corner of Old Natchez Trace Road and Sharon Road. The Petitioner did not show up for the meeting. A petition has been filed with the Mississippi Department of Environmental Quality, and they were expecting 2 years for completion with hours of operation from 7-7 day light savings time and 6-7 standard time. The haul route would be Old Natchez Road to Highway 43.

Gary Crane appeared in opposition to this Petition. He owns approximately 200 acres in the neighboring area. He admitted for the record that he may one day want to mine his own property. However, he appeared in opposition based on the unsafe condition of the roads at this time. He stated that something needed to be done to improve these roads and to make them safe so that people will be able to utilize their property without safety concerns. He stated that when he moved to this area the road was paved; however, the roads have been diminished to such a state that it is now a gravel road. Commissioner Steen inquired as to why it is not paved now, to which Mr. Crane informed him that the trucks traveling over it related to current mining operations have caused the road to diminish to gravel. In addition, Nathan Cox appeared in opposition. He lives in the neighboring area and agrees with Mr. Crane's concerns. He also stated that there is a bad curve on this haul route in addition to a culvert that has just recently collapsed due to heavy traffic. Upon Motion by Commissioner Spiro, seconded by Commissioner Steen, with all voting "aye", motion to table the Petition until next month's meeting passed.

There next came on for consideration the Petition of Baptist Homes Incorporated for permission to rezone A-1 Agricultural to R-1A Residential with a planned unit development overlay. Bill McCormick appeared on behalf of the Petitioner. He stated that Baptist Homes Incorporated was a non-profit organization that was formed solely for the purposes of creating Son Valley. He also stated that they are not affiliated with the Mississippi Baptist Convention and that the land had been donated to them. Son Valley is a proposed community for mentally retarded adults at all levels of retardation. The community will provide them with living assistance and recreational development. The Petitioner stated that they will have different living conditions for different levels of retarded adults and will also have separate living facilities for parents and family who choose to move to the area to be close to each other. Commissioner Steen inquired as to whether or not the resident would lease the property to which the Petitioner stated that this had not fully been decided, as their attorney was looking into these options. The Petitioner stated that they would have trails, recreational fields, horses, and a town center with retail and commercial establishments. Commissioner Walters inquired as to how they would support the community financially, to which the Petitioner stated that they would rely primarily on private donations. Mr. Steen inquired as to whether they were going to be forced to borrow any money for this development, to which the Petitioner stated that they are in the process of beginning phase 1 of the construction and anticipate coming out with some debt. He did state, however, that they were trying every possible avenue in which to minimize this debt with volunteer labor and donations. Commissioner Walters inquired as to how many individuals were on the waiting list, to which the Petitioner stated there were currently 40-45 people on the list. Chairman Lockett inquired as to whether or not there had been any opposition, to which the Petitioner stated that to his knowledge, there was none. He stated

that he had tried to contact all adjacent land owners in order to inform them of their proposed development. Those he did not personally speak with, he left letters and/or messages on their answering machines. Commissioner Steen stated for the record that he would like to see all adjoining property owners contacted by letter and see a fence constructed as part of phase 1. Upon Motion by Commissioner Walters, seconded by Commissioner Steen, with all voting "aye", motion to recommend approval to the Board of Supervisors contingent on the Petitioner contacting all adjacent property owners via certified mail, passed.

There next came on for consideration the Petition of Rosee Etta Bell for permission to rezone R-1 Residential to C-1A Commercial. Ms. Bell appeared on behalf of the Petitioner and stated that she wishes to rezone the property so that she can remodel her residence as a full facility day care. It is being used as her residence, and she stated that currently she has permission to operate her house as a day care. However, she wishes to remodel her home into a full facility day care, to which this Petition was necessary. She stated that she simply needed more room. Commissioner Walters inquired as to how many children she had at the day care to which the Petitioner informed the Commission that there were 77. Upon Motion by Commissioner Spiro, seconded by Commissioner Brown, with all voting "aye", motion to recommend approval to the Board of Supervisors with the appropriate amendment to the Land Use Plan, passed.

There next came on for discussion the issue of attorneys' fees. Upon Motion by Commissioner Walters, seconded by Commissioner Spiro, with all voting "aye", motion to approve attorneys' fees passed.

There being no further business, the meeting was adjourned at 10:30 a.m.

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Chairman)